



## THE UNITED STATES PATENT AND TRADEMARK OFFICE

☒ In re Applicant: TRADEMARK Roy Henneberger

Docket No.: 2316.304-US-01      Serial No.: 07/678,131  
Filed: 4-1-91      Group Art Unit: 355  
Examiner: Chin Sue, A.

For: OPTIC CABLE MANAGEMENT

The Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

We are transmitting herewith the attached:

- ☐ An assignment of the invention to         .
- ☐ A certified copy of a          application, Serial No.         , filed         , 1991, the right of priority of which is claimed under 35 U.S.C. 119.
- ☐ Small entity status of this application under 37 C.F.R. 1.9 and 1.27 has been established by verified statement previously submitted.
- ☐ A verified statement to establish small entity status under 37 C.F.R. 1.9 and 1.27 is enclosed.

☒ Other: PROPOSED AMENDMENT AFTER FINAL REJECTION.

☐ Amendment      ☐ No Additional fee is required      ☐ The fee has been calculated as shown:

## CLAIMS AS AMENDED

|                                                       | (1)<br>CLAIMS<br>REMAINING<br>AFTER<br>AMENDMENT | #<br>#<br>#<br># | (2)<br>HIGHEST<br>NUMBER<br>PREVIOUSLY<br>PAID FOR | (3)<br>PRESENT<br>EXTRA | SMALL ENTITY |              | or | OTHER   |              |
|-------------------------------------------------------|--------------------------------------------------|------------------|----------------------------------------------------|-------------------------|--------------|--------------|----|---------|--------------|
|                                                       |                                                  |                  |                                                    |                         | RATE         | ADD'L<br>FEE |    | RATE    | ADD'L<br>FEE |
| TOTAL CLAIMS                                          |                                                  | -                | =                                                  |                         | x 10 =       | \$           | or | x 20 =  | \$           |
| INDEPENDENT CLAIMS                                    |                                                  | -                | =                                                  |                         | x 36 =       | \$           | or | x 72 =  | \$           |
| ( ) FIRST PRESENTATION OF<br>MULTIPLE DEPENDENT CLAIM |                                                  |                  |                                                    |                         | +110 =       | \$           | or | + 220 = | \$           |
| TOTAL                                                 |                                                  |                  |                                                    |                         | \$           |              |    | \$      |              |

☐ Attached is a Request for Extension of Time for          months and fee of \$         .

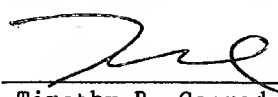
☐ Attached is a check in the amount of \$         , for         .

☒ Attached is a return postcard.

Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate copy of this sheet is enclosed.

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described hereinabove, are being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on July 7, 1992.

MERCHANT, GOULD, SMITH, EDELL, WELTER & SCHMIDT  
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By:   
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890410

(GENERAL)

Claims 5 and 8 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 improperly depends from canceled claim 4. The limitation of claim 8 is vague. It is not known from either of the specification or the drawings what are the "claimed" open access or the slot which extends as claimed.

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 1, 5 and 8 as understood are rejected under 35 U.S.C. § 103 as being unpatentable over Swifts in view of French pat. '341 to Baut.

Swifts Fig. 20 shows the claimed system with the exception of the clamp means. Baut shows a joint coupling

Serial No. 678131

-3-

Art Unit 3505

comprising inner (14, 13) and outer (5) walls means (4, 6) and a biased spring (18) to enable automatic clamping <sup>of</sup> a coupled joint. It would have been obvious to one of ordinary skill in the art to modify the coupling and interfitting walls (62, 64) of Swifts to comprise a spring and means (4, 6) in lieu of the nut, bolts and openings to enable automatic clamping of the joints. Swifts fig. 8 shows vertical to horizontal fitting comprising vertical and horizontal open access and slots.

Claims 6 and 7 are allowable over the prior art of record.

Applicant's arguments with respect to claim s 1, 5 and 8 have been considered but are deemed to be moot in view of the new grounds of rejection.

Applicant's amendment necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Any inquiry concerning this communication should be directed to Alvin Chin-Shue at telephone number (703) 308-2168.

Serial No. 678131

-4-

Art Unit 3505

Chin-Shue-CW  
June 22, 1992

  
ALVIN C. CHIN-SHUE  
PRIMARY EXAMINER  
ART UNIT 355